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October 6, 2020

The Honorable Vernon S. Broderick
40 Foley Square
New York, NY 10007-1312
By ECF

Re: *United States v. Duane Martinez, et al.*, S3 17 Cr. 219 (VSB)

Dear Judge Broderick,

I respectfully request permission to withdraw from representing Duane Martinez and request that the Court appoint substitution counsel in my place.

As the Court knows, I have filed a motion on Mr. Martinez's behalf pursuant to 18 U.S.C. §3582(c)(1)(A) requesting his compassionate release. (Dkt. 128). The Government responded in opposition. (Dkt. 130). I was in the process of responding to the government's opposition memo when I received Mr. Martinez's pro-se motions, which include statements indicating that Mr. Martinez no longer has faith in my representation. (See, Dkts. 131, 132 and 133). After reviewing these submissions, I wrote to Mr. Martinez and requested a legal call. I have since been informed by Mr. Martinez's counselor at FCI Lewisburg that Mr. Martinez no longer wishes to have me represent him in connection with his pending motions.

However, Mr. Martinez still needs counsel. On September 25, 2020, the Second Circuit held in *United States v. Brooker*, 2020 WL 5739712 (2d Cir.) that 18 U.S.C. §3582(c)(1)(A) now allows for any sentence reduction provided that the reduction is warranted by extraordinary and compelling reasons and appropriate in light of the sentencing factors of 18 U.S.C. § 3553(a). *Brooker* explains that “[a] district court could ... reduce but not eliminate a defendant’s prison sentence, or end the term of imprisonment but impose a significant term of probation or supervised release in its place.”¹ I believe that *Brooker* is directly applicable to Mr. Martinez’s case and facts and I respectfully ask the Court to withhold ruling on the pending motions until new counsel can be appointed and confer with Mr. Martinez about supplementing my initial motion. I will make myself available to new counsel to expedite and streamline this process.

Respectfully submitted,



Christopher Madiou
Counsel for Duane Martinez

Cc: AUSA Stephanie Lake (by ECF)
Duane Martinez (by legal mail)

¹ *Brooker*, 2020 WL 5739712, at 8. (2d Cir. Sept. 25, 2020)

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 10/8/2020

CJA counsel Inga Parsons is appointed to represent defendant Martinez for purposes of his motion for compassionate release.